

## **REMARKS**

### **1. Status of the Claims**

Presently, Claims 11-27 are pending in the application. Applicant has amended Claims 14, 16 and 17, and has added new Claims 28-51 to highlight particular embodiments of the present invention. Applicant has therefore included an amount of \$232.00 in additional claim fees to pay for 21 additional total claims, and 1 additional independent claim above the originally-allowed 20 and 3 respectively.

### **2. Objections to the Specification**

Initially, the Examiner has objected to the specification on the grounds that it includes specific references to the claims. Applicant has amended the specification to correct the informalities.

### **3. Rejections Under 35 U.S.C. §112**

The Examiner has rejected Claims 14-19 under 35 U.S.C. §112, second paragraph, based on the contention that they are indefinite as written. Specifically, the Examiner has rejected Claims 14 and 16 as included both “cotton” and “cotton fibers,” and has rejected Claims 17-19 as included reference to both “fleecy material” and a “fleece layer.” Applicant respectfully traverses the Examiner’s rejections.

Notwithstanding the traversal, Applicant has amended Claims 14 and 16 to remove the

term “cotton fibers.” The remaining rejections will be addressed below.

The misunderstanding regarding Claims 14-19 can be traced to the German roots of the present application. In German, there are two separate and distinct words for “fleecy material” (“flausch”) and “fleece layer” (“vlies”). Similarly, as also shown in Claim 17, the term “woolen” is translated from the German word “wollig,” meaning possessing the feel and grip of wool, but not requiring the material to be made from wool.

The terms “fleecy material” and “fleece layer” are actually described in the specification. In P. 2, Line 34-P. 3-Line 2, the specification clarifies that the term “fleecy material” means wooly pile that is substantially higher than the pile of a normal velour material. Thus, Applicant has amended Claim 17 to reflect both the intended meaning of the term “fleecy material,” and the broadened meaning of the term “woolen” (i.e. wooly).

Based on the above, Applicant submits that the Examiner’s rejections under 35 U.S.C. §112, have now been overcome.

#### 4. Rejections Under 35 U.S.C. §§102 and 103

Substantively, the Examiner has rejected Claims 11-27 under one or more of 35 U.S.C. §§102(e), 102(b), or 103(a), based on the contention that they are anticipated by or obvious over U.S. Patent Nos. 5,879,487, issued to Ravella (Ravella ‘487), German Patent No. DE 3 640 374, issued to Tebbe (Tebbe ‘374), Ravella ‘487 in view of United Kingdom Patent No. GB 2 335 627, issued to Hedenberg et al (Hedenberg ‘627), Tebbe ‘374 in view of Ravella ‘487 and Hedenberg ‘627, Ravella ‘487 in view of Tebbe ‘374, U.S. Patent No. 5,612,113, issued to Irwin, Sr. (Irwin ‘113), and Irwin ‘113 in view of Japanese Patent No. JP 05-051870 issued to Kawasaki (Kawasaki ‘870) and U.S. Patent No. 4,908,252, issued to Carnahan et al (Carnahan ‘252).

Applicant respectfully traverses the Examiner's rejections. As will be explained below, none of the cited references teaches, discloses or suggests at least the inclusion of a flexible network layer, as shown and claimed in the present invention.

The present invention, as claimed in Claim 11, includes, *inter alia*, a support layer that includes a flexible network layer that carries the liquid-impermeable layer. The support layer is flexible in form, allowing the present invention to be incorporated into textile products worn on people or placed on bedding. Thus, the device must be extremely flexible, while allowing for the beneficial functions as described in the invention.

Such a layer is not shown in any of Ravella '487, Tebbe '374, and Irwin '113, which the Examiner uses to reject the pending Claim 11. For example, the layer identified by the Examiner as the liquid-impermeable layer is actually a secondary backing bonded to the primary backing to lock in the stitches. (Irwin '113, Col. 2, Lines 58-60).

Furthermore, the function of the device in Irwin '113 is such that the use of a flexible network layer as described in the present invention would not be obvious to one of ordinary skill in the art. Irwin '113 discloses a carpet configuration for preventing fluid absorption into carpets. The Examiner contends that known carpet fibers such as cotton and wool are inherently absorbent, and thus one of ordinary skill in the art would easily select them for the liquid-absorbent layer. The function of the carpet in Irwin '113, however, belies the Examiner's argument. In Irwin '113, the purpose of the invention is to prevent the infiltration of fluid spilled onto the carpet to the lower surfaces of the carpet. (Irwin '113, Col. 4, Lines 42-51). Thus, the fibers in Irwin '113 are actually liquid-repellent, and not absorbent.

In addition, the function of the present invention ensures that the claimed invention is neither anticipated nor made obvious by any prior art. The present invention is specifically

directed to a flat, flexible absorbing laminated composite material that is watertight and comfortable to wear. (Spec., P. 1, Lines 24-27). The flexible network layer is key to the comfort of the user since it provides for a great degree of flexibility, while still maintaining the strength of a support layer.

Since none of the cited references even hint at the use of a support layer that comprises a flexible network layer, the present invention is novel with respect to all of those references.

To further define the invention, Applicant has additionally added new claims 28, 36, and 44, along with claims 29-35, 37-43, and 45-51 depending therefrom. These claims represent preferred alternative embodiments of the present invention, which additionally read over the cited art.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Respectfully submitted,

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Dated: February 9, 2004

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One of Applicant's Attorneys

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Patent Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 9, 2004.

Jacob D. Koering

Name of Applicant, assignee, applicant's attorney or Registered Representative

Signature